

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

June 29, 2009

MISC. ORDER 2009-007

BY THE COURT:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on July 1 and July 2, 2009, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C057945 THE PEOPLE v. (Not For Publication)
TORIBIO VILLA DANIELS**

The judgment of conviction for misdemeanor battery is reversed, and the trial court is directed to dismiss the count. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the dismissal of this count and forward a certified copy to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Raye, Acting P.J.
Hull, J.

**C058955 THE PEOPLE v. (Not For Publication)
GLENN ALLEN WARREN**

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.
Robie, J.

**C058993 THE PEOPLE v. (Not For Publication)
EDWARD JOHN QUINTANILLA**

The trial court is directed to strike the parole revocation fine imposed pursuant to Penal Code section 1202.45, amend the abstract of judgment, and forward the amended abstract to the Department of Corrections and Rehabilitation. The judgment, as modified, is affirmed.

ROBIE, J.

We Concur: Raye, Acting J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

June 29, 2009, Continued

- C057283 In re the Marriage of SCHENK and CALDER (Not For Publication)**
SCHENK v. CALDER
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Hull, J.
- C060351 SHOEMAN v. MILLS (Not For Publication)**
The judgment is affirmed. Shoeman is entitled to her costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (2) .)
ROBIE, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C059391 THE PEOPLE v. EDDIE ALLEN HODGES**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

June 30, 2009

- C056599 THE PEOPLE v. (Not For Publication)**
SOLOMON PERCY TEMPLE
The judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C057845 THE PEOPLE v. (Not For Publication)**
ANDREW XAVIER MONCADA
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Butz, J.
- C058203 THE PEOPLE v. WILLIAM BOYD (Not For Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

June 30, 2009, Continued

- C058968 THE PEOPLE v. (Not For Publication)**
ROBERT EDWARD DAHL
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to show convictions by jury and a count one conviction of second degree robbery. The court is further directed to send a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C059713 THE PEOPLE v. (Not For Publication)**
KENNETH ALLEN CHATOFF
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C060150 THE PEOPLE v. (Not For Publication)**
JONATHON FRANK KRANTZ
The judgment of conviction is affirmed and the matter is remanded for redetermination of defendant's eligibility for drug program probation under section 1210.1 based on the facts at the time of resentencing.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Sims, J.
- C060214 THE PEOPLE v. (Not For Publication)**
MAURICE J. SIMON, SR.
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C060223 THE PEOPLE v. MICHAEL MIMITTE (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

June 30, 2009, Continued

C060234 THE PEOPLE v. ALEJANDRO MUNOZ (Not For Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.
 Sims, J.

C060335 THE PEOPLE v. MICHAEL LAPP (Not For Publication)

The judgment is affirmed.

SIMS, J.

We Concur: Blease, Acting P.J.
 Nicholson, J.

**C060671 THE PEOPLE v. (Not For Publication)
 ALTON NORRIS PERKINS**

The judgment is modified to strike two of the prior prison term enhancements ... The trial court is directed to amend the abstract of judgment in accordance with this opinion and is further directed to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.
 Robie, J.

**C054502 MONIER-KILGORE, Individually and as (Not For Publication)
 Special Administrator, etc., et al. v.
 FLORES et al.**

**C056348 MONIER-KILGORE, Individually and as
 Special Administrator, etc., et al. v.
 FLORES et al.**

The parts of the judgments against Steven and Leila awarding damages to plaintiffs for defendants' negligence are reversed. As discussed in part V of this opinion, (1) the \$360,000 unjust enrichment award against Leila is reversed, and the matter is remanded to the trial court for further proceedings to calculate the appropriate measure of damages...

The trial court's order denying plaintiffs' motion to enforce the judgment against Henderson is affirmed.

The parties shall bear their own costs on appeal.

(Cal. Rules of Court, rule 8.278 (a) (5) .)

SCOTLAND, P.J.

We Concur: Blease, J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

June 30, 2009, Continued

**C058479 SHAW et al. v. THE PEOPLE ex rel. (Certified For Publication)
CHIANG, as Controller, etc., et al.**

The portion of the judgment granting a declaratory judgment and writ of mandate regarding the budget year 2007-08 transfer of \$409 million is affirmed. The portion of the judgment denying all other relief is reversed. The trial court is directed to enter a new judgment granting declaratory relief and a writ of mandate consistent with this opinion. Costs on appeal are awarded to Josh Shaw and the California Transit Association.

(Cal. Rules of Court, rule 8.278 (a) .)

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

C058539 SCOTT v. PHOENIX SCHOOLS, INC. (Certified For Partial Publication)

The award of punitive damages is reversed. In all other respects the judgment is affirmed. Appellant shall be awarded costs on appeal.

(Cal. Rules of Court, rule 8.278 (a) (3) .)

BLEASE, Acting P.J.

We Concur: Sims, J.

Nicholson, J.

**C058703 In re DAVID S. et al.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. R.S.**

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Butz, J.

**C060550 In re D.L. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. S.L.**

BY THE COURT:

Appellant's motion to reinstate the appeal is granted. The order of June 11, 2009, dismissing the appeal is vacated, and the appeal is reinstated. The clerk of this court is directed to forthwith file the appellant's opening brief submitted with the motion.

Respondent's brief is to be served and filed on or before July 30, 2009.

SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

June 30, 2009, Continued

C061509 RAJ SINGH v. U SAVE RENTAL, et al.; SUMAN MEHTA
BY THE COURT:
Appellant's "Request to Reinstate Appeal and Request for Stay" is
denied.
SCOTLAND, P.J.

July 1, 2009

C054522 THE PEOPLE v. LOUIS VOTINO (Not For Publication)
The judgment is reversed as to count 6 and affirmed in all other respects.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Robie, J.

C055620 THE PEOPLE v. (Certified For Partial Publication)
GLENN ARTHUR JOHNDROW
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Hull, J.

C058645 THE PEOPLE v. (Not For Publication)
RICHARD WARREN BOHN
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Hull, J.

C059917 THE PEOPLE v. (Not For Publication)
ROBBIE CARL ELLINGTON
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

July 1, 2009, Continued

- C053775 BRACEWELL v. NAKAWATASE etc., et al.; (Not For Publication)**
DEPARTMENT OF HEALTH SERVICES
The judgment is affirmed. The Department shall recover costs on appeal.
RAYE, J.
We Concur: Blease, Acting P.J.
 Morrison, J.*
- C054087 SERVICE EMPLOYEES INTERNATIONAL (Not For Publication)**
UNION etc. v. CITY OF SACRAMENTO et al.;
SUTTER HEALTH, INC., et al.
The judgment is affirmed. Respondents shall recover costs on appeal.
RAYE, Acting P.J.
We Concur: Robie, J.
 Morrison, J.*
- C057152 COUNTY OF BUTTE et al. v. (Certified For Publication)**
THE SUPERIOR COURT OF BUTTE
COUNTY; WILLIAMS
We deny County's petition for a writ of mandate. Having served its
purpose, the alternative writ is discharged. Williams shall recover costs in this
original proceeding. (Cal. Rules of Court, rule 8.493 (a) (1) .)
RAYE, J.
I concur: Scotland, P.J.
I would grant the writ. The fourth amended complaint fails to state a
cause of action and therefore, to avoid a needless trial, the demurrer should have
been sustained.
...
Morrison, J.* dissenting
- C057578 CALIFORNIA OAK FOUNDATION v. COUNTY OF TEHAMA et al.; DEL WEBB**
CALIFORNIA CORP., et al.
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

July 2, 2009

- C057667 THE PEOPLE v. (Not For Publication)**
ADAN MADERO RAYA
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to (1) reflect defendant's award of 464 actual days of presentence custody credit and (2) delete the erroneous indication that he was sentenced to life in prison with the possibility of parole. The trial court is further directed to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Hull, J.
Robie, J.
- C058794 THE PEOPLE v. (Not For Publication)**
JONATHAN RALPH LEE
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Raye, J.
- C060684 THE PEOPLE v. (Not For Publication)**
COREY LAMAR SMITH
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C060737 THE PEOPLE v. (Not For Publication)**
ANTHONY JOSEPH ZUMPANO
The judgment is affirmed. The trial court is directed to (1) correct the amended abstract of judgment to include the penalty assessments to the theft fine, and (2) forward to the Department of Corrections and Rehabilitation a certified copy of the corrected abstract.
SCOTLAND, P.J.
We Concur: Sims, J.
Butz, J.
- C061295 THE PEOPLE v. (Not For Publication)**
JOSEPH WILLIAM DENSON
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

July 2, 2009, Continued

**C059237 In re EDDIE L.; THE PEOPLE v. (Certified For Partial Publication)
EDDIE L.**

The case is remanded to the Sacramento County Juvenile court with directions to enter into its minutes the finding that the minor's maximum period of confinement is six years. The court shall also reconsider whether the minor's mother should be relieved from making educational decisions for him and to make a record capable of appellate review. In all other respects, the judgment is affirmed.

SIMS, J.

We Concur: Scotland, P.J.
 Nicholson, J.

**C057232 THE PEOPLE v. DWAYNE MEREDITH
BY THE COURT:**

Appellant's petition for rehearing is denied.
NICHOLSON, Acting P.J.

July 3, 2009

There were no minutes for this date.